

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE TENNESSEE

December 10, 2003

IN RE:

**APPLICATION OF ALLIED RISER OF
TENNESSEE, INC. FOR A CERTIFICATE
TO PROVIDE COMPETING LOCAL
TELECOMMUNICATIONS SERVICES**

**DOCKET NO.
00-00128**

Company ID: 128534

**ORDER REVOKING AUTHORITY GRANTED TO
ALLIED RISER OF TENNESSEE, INC. FOR FAILURE TO PROVIDE
SURETY BOND OR IRREVOCABLE LETTER OF CREDIT**

This matter came before Chairman Deborah Taylor Tate, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "TRA" or "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on November 24, 2003, to consider whether to revoke the authority of Allied Riser of Tennessee, Inc.¹ (the "Company") to conduct business in the State of Tennessee as a public utility for failure to comply with Tenn. Code Ann. § 65-4-125 (j).²

The Company originally filed its Application for a certificate to provide competing telecommunications services within the State of Tennessee on February 22, 2000. During a Hearing held on May 16, 2001, the Hearing Officer found that the Company had met all the requirements for certification and the requirements of Tenn. Comp. R. & Regs. 1220-4-2-.57, which was promulgated

¹ Allied Riser of Tennessee, Inc. is currently known as Cogent Telecommunications of Tennessee, Inc. This name change was effected by Order dated February 2, 2002 (Docket No. 02-00068).

² Tenn. Code Ann. § 65-4-125(j) provides:

By September 1, 2000, all telecommunications service providers subject to the control and jurisdiction of the authority, except those owners or operators of public telephone service who pay annual inspection and supervision fees pursuant to § 65-4-301(b), or any telecommunications service provider that owns and operates equipment facilities in Tennessee with a value of more than five million dollars (\$5,000,000), shall file with the authority a corporate surety bond or irrevocable letter of credit in the amount of twenty thousand dollars (\$20,000) to secure the payment of any monetary sanction imposed in any enforcement proceeding, brought under this title or the Consumer Telemarketing Protection Act of 1990, compiled in title 47, chapter 18, part 15, by or on behalf of the authority.

pursuant to, *inter alia*, Tenn. Code Ann. § 65-4-101 and Tenn. Code Ann. § 65-4-201, and approved the Application as filed. An Initial Order reflecting the approval was issued on May 22, 2001.

A notice advising the Company of its failure to comply with the requirements of Tenn. Code Ann. § 65-4-125(j) was mailed on November 7, 2003 via certified mail. The Company failed to respond to the November 7, 2003 notice. As a result of this failure, this matter was placed on the November 24, 2003 Authority Conference for the Directors to consider revocation of the Company's certification.


As of the November 24, 2003 Authority Conference, the Company had failed to file with the Authority a \$20,000 corporate surety bond or an irrevocable letter of credit to secure the payment of any monetary sanction imposed in any enforcement proceeding, and it had not demonstrated ownership and operation of equipment facilities in Tennessee with a value of more than \$5,000,000. Accordingly, the panel voted unanimously to revoke the authority of the Company to conduct business in the State of Tennessee.

IT IS THEREFORE ORDERED THAT:

The authority of Cogent Telecommunications of Tennessee, Inc., formerly known as Allied Riser of Tennessee, Inc., granted in Docket No. 00-00128 to conduct business in the State of Tennessee as a public utility is revoked, and this docket is closed.


Deborah Taylor Tate, Chairman


Sara Kyle, Director


Ron Jones, Director